

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2600

Introduced by Assembly Member Bonilla

February 21, 2014

An act to amend ~~Section 60640~~ of Sections 60603, 60604, 60607, 60611, 60630, 60640, 60641, 60643, 60643.6, and 60648 of, and to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as amended, Bonilla. Pupil assessment: ~~Measurement of Academic~~ *California Assessment of Student Performance and Progress*.

Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The MAPP is composed of a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

~~Existing law requires the Superintendent to submit to the state board recommendations on expanding the MAPP to include additional assessments no later than March 1, 2016.~~

~~This bill would change the deadline for the submission of these recommendations to March 2, 2016; the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP), and would make conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 60603 of the Education Code is amended*
2 *to read:*
3 60603. As used in this chapter:
4 (a) “Achievement level descriptors” means a narrative
5 description of the knowledge, skills, and processes expected of
6 pupils at different grade levels and at different performance levels
7 on achievement tests.
8 (b) “Achievement test” means any summative standardized test
9 that measures the level of performance that a pupil has achieved
10 on state-adopted content standards.
11 (c) “California Assessment of Student Performance and
12 Progress (CAASPP)” means the comprehensive assessment system,
13 inclusive of consortium-developed assessments, that has the
14 primary purpose of modeling and promoting high-quality teaching
15 and instruction using a variety of assessment approaches and item
16 types.
17 ~~(e)~~
18 (d) “Census administration” means a test administration in which
19 all pupils take comparable assessments of the same content and
20 where results of individual performance are appropriate and
21 meaningful to parents, pupils, and teachers.
22 ~~(d)~~
23 (e) “Computer-adaptive assessment” means a computer-based
24 test that utilizes a computer program to adjust the difficulty of test
25 items throughout a testing session based on a test taker’s responses
26 to previous test items during that testing session.
27 ~~(e)~~

(f) “Computer-based assessment” means a test administered using an electronic computing device.

~~(f)~~

(g) “Consortium” means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.

~~(g)~~

(h) “Constructed-response questions” means a type of assessment item that requires pupils to construct their own answers.

~~(h)~~

(i) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

~~(i)~~

(j) “Diagnostic assessment” means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

~~(j)~~

(k) “End of course ~~exam~~ examination” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

~~(k)~~

(l) “Field test” means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.

~~(l)~~

(m) “Formative assessment tools” means assessment tools and processes that are embedded in instruction and used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

~~(m)~~

(n) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats, including, but not necessarily limited to, items that allow for constructed responses and items that require the

1 completion of performance tasks. A high-quality assessment should
2 have the following characteristics:

3 (1) Enable measurement of pupil achievement and pupil growth
4 to the extent feasible.

5 (2) Be of high technical quality by being valid, reliable, fair,
6 and aligned to standards.

7 (3) Incorporate technology where appropriate.

8 (4) Include the assessment of pupils with disabilities and English
9 learners.

10 (5) Use, to the extent feasible, universal design principles, as
11 defined in Section 3 of the federal Assistive Technology Act of
12 1998 (29 U.S.C. Sec. 3002) in its development and administration.

13 ~~(n)~~

14 (o) “Interim assessment” means an assessment that is designed
15 to be given at regular intervals throughout the school year to
16 evaluate a pupil’s knowledge and skills relative to a specific set
17 of academic standards, and produces results that can be aggregated
18 by course, grade level, school, or local educational agency in order
19 to inform teachers and administrators at the pupil, classroom,
20 school, and local educational agency levels.

21 ~~(o)~~

22 (p) “Local educational agency” means a county office of
23 education, school district, state special school, or direct-funded
24 charter school as described in Section 47651.

25 ~~(p)~~

26 (q) “Matrix sampling” means administering different portions
27 of a single assessment to different groups of pupils for the purpose
28 of sampling a broader representation of content and reducing
29 testing time.

30 ~~(q) “Measurement of Academic Performance and Progress~~
31 ~~(MAPP)” means the comprehensive assessment system, inclusive~~
32 ~~of consortium-developed assessments, that has the primary purpose~~
33 ~~of modeling and promoting high-quality teaching and instruction~~
34 ~~using a variety of assessment approaches and item types.~~

35 (r) “Performance standards” are standards that define various
36 levels of competence at each grade level in each of the curriculum
37 areas for which content standards are established. Performance
38 standards gauge the degree to which a pupil has met the content
39 standards and the degree to which a school or school district has
40 met the content standards.

(s) “Performance tasks” are a collection of questions or activities that relate to a single scenario that include pupil interaction with stimulus. Performance tasks are a means to assess more complex skills such as writing, research, and analysis.

(t) “Personally identifiable information” includes a pupil’s name and other direct personal identifiers, such as the pupil’s identification number. Personally identifiable information also includes indirect identifiers, such as the pupil’s address and personal characteristics, or other information that would make the pupil’s identity easily traceable through the use of a single or multiple data sources, including publicly available information.

(u) “Population sampling” means administering assessments to a representative sample of pupils instead of the entire pupil population. The sample of pupils shall be representative in terms of various pupil subgroups, including, but not necessarily limited to, English learners and pupils with disabilities.

(v) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States.

(w) “State-determined assessment calendar” means the scheduling of assessments, exclusive of those subject area assessments listed in subdivision (b) of Section 60640, over several years on a predetermined schedule. Content areas and grades shall only be assessed after being publicly announced at least two school years in advance of the assessment.

(x) “Summative assessment” means an assessment designed to be given near the end of the school year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards.

SEC. 2. Section 60604 of the Education Code is amended to read:

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment system consistent with the testing requirements of this article in accordance with the objectives set forth in Section 60602.5. That system shall include all of the following:

(1) Exclusive of the consortium assessments, a plan for producing or adopting valid, fair, and reliable achievement tests as recommended by the Superintendent and adopted by the state

board pursuant to the ~~Measurement of Academic Performance and Progress (MAPP)~~ *California Assessment of Student Performance and Progress (CAASPP)* established by Article 4 (commencing with Section 60640).

(2) A plan for administering the consortium summative assessment as outlined by the joint agreement of the consortium.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and complex skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, business community members, institutions of higher education, and the public in all phases of the design and implementation of the statewide pupil assessment system.

(7) A plan for ensuring the security and integrity of the ~~MAPP~~ *CAASPP* assessments.

(8) The development of a contract or contracts with a contractor for the development or administration of achievement tests and performance tasks aligned to state-adopted content standards, including summative assessments or assessments that employ matrix sampling or population sampling methods.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan for the ~~MAPP~~, *CAASPP*, and a timetable for implementing the system described in Section 60640. The annual update shall be submitted on or before March 1 of each year to the Department of Finance, the state board, and the respective chairpersons of the appropriate fiscal subcommittees considering budget appropriations and the appropriate policy committees in each house. The update

1 shall explain any significant variations from the five-year cost
2 projection for the current year budget and the proposed budget.

3 (c) The Superintendent shall make resources available that are
4 designed to assist with the interpretation and use of the ~~MAPP~~
5 *CAASPP* results to promote the use of the results for purposes of
6 improving pupil learning and educational programs across the full
7 curriculum. The Superintendent shall consider information already
8 provided by assessment consortia to which California belongs or
9 assessment contractors when fulfilling this requirement.

10 (d) The Superintendent shall make information and resources
11 available to parents, teachers, pupils, administrators, school board
12 members, and the public regarding the ~~MAPP~~, *CAASPP*, including,
13 but not necessarily limited to, system goals, purposes, scoring
14 systems, results, valid uses of assessments, and information on the
15 relationship between performance on the previous state assessments
16 and the ~~MAPP~~, *CAASPP*.

17 (e) The Superintendent and the state board shall consider
18 comments and recommendations from teachers, administrators,
19 pupil representatives, institutions of higher education, and the
20 public in the development, adoption, and approval of assessment
21 instruments.

22 (f) The results of the achievement tests, exclusive of the
23 consortium summative assessments, administered pursuant to
24 Article 4 (commencing with Section 60640), shall be returned to
25 the local educational agencies within the period of time specified
26 by the state board.

27 *SEC. 3. Section 60607 of the Education Code is amended to*
28 *read:*

29 60607. (a) Each pupil shall have an individual record of
30 accomplishment by the end of grade 12 that includes the results
31 of the achievement test required and administered annually as part
32 of the ~~Measurement of Academic Performance and Progress~~
33 ~~(MAPP)~~, *California Assessment of Student Performance and*
34 *Progress (CAASPP)*, or any predecessor assessments, established
35 pursuant to Article 4 (commencing with Section 60640), results
36 of end-of-course ~~exams~~ *examinations* he or she has taken, and the
37 vocational education certification ~~exams~~ *examinations* he or she
38 chose to take.

39 (b) It is the intent of the Legislature that local educational
40 agencies and schools use the results of the academic achievement

1 tests administered annually as part of the ~~MAPP CAASPP~~ to
2 provide support to pupils and parents or guardians in order to assist
3 pupils in strengthening their development as learners, and thereby
4 to improve their academic achievement and performance in
5 subsequent assessments.

6 (c) (1) Except for research provided for in *former* Section
7 49079.6, *as it read on December 31, 2013*, a pupil's results or a
8 record of accomplishment shall be private, and may not be released
9 to any person, other than the pupil's parent or guardian and a
10 teacher, counselor, or administrator directly involved with the
11 pupil, without the express written consent of either the parent or
12 guardian of the pupil if the pupil is a minor, or the pupil if the pupil
13 has reached the age of majority or is emancipated.

14 (2) (A) Notwithstanding paragraph (1), a pupil or his or her
15 parent or guardian may authorize the release of pupil results or a
16 record of accomplishment to a postsecondary educational
17 institution for the purpose of credit, placement, or admission.

18 (B) Notwithstanding paragraph (1), the results of an individual
19 pupil on the ~~MAPP CAASPP~~ may be released to a postsecondary
20 educational institution for the purpose of credit, placement, or
21 admission.

22 *SEC. 4. Section 60611 of the Education Code is amended to*
23 *read:*

24 60611. A local educational agency, district superintendent of
25 schools, or principal or teacher of any elementary or secondary
26 school, including a charter school, shall not carry on any program
27 for the sole purpose of test preparation of pupils for the statewide
28 pupil assessment system or a particular test used in the statewide
29 pupil assessment system. Nothing in this section prohibits the use
30 of materials to familiarize pupils with item types or the
31 computer-based testing environment used in the ~~Measurement of~~
32 ~~Academic~~ *California Assessment of Student Performance and*
33 *Progress.*

34 *SEC. 5. Section 60630 of the Education Code is amended to*
35 *read:*

36 60630. (a) The Superintendent shall prepare and submit, and
37 subsequently post on the Internet Web site of the department, an
38 annual report to the state board containing an analysis of the results
39 and test scores of the summative assessments administered pursuant
40 to Section 60640. The Superintendent shall notify the state board

1 and the appropriate policy and fiscal committees of the Legislature
2 that the annual report is available on the Internet Web site of the
3 department.

4 (b) The Superintendent shall post a periodic update on the
5 implementation of the ~~Measurement of Academic California~~
6 *Assessment of Student Performance and Progress* on the Internet
7 Web site of the department, and notify the state board and the
8 appropriate policy and fiscal committees of the Legislature that
9 the update is available on the Internet Web site of the department.

10 SEC. 6. *The heading of Article 4 (commencing with Section*
11 *60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the*
12 *Education Code is amended to read:*

13
14 Article 4. ~~Measurement of Academic Performance and Progress~~
15 *California Assessment of Student Performance and Progress*
16

17 SECTION 1.

18 SEC. 7. Section 60640 of the Education Code is amended to
19 read:

20 60640. (a) There is hereby established the ~~Measurement of~~
21 ~~Academic California Assessment of Student Performance and~~
22 ~~Progress~~, to be known as the ~~MAPP: CAASPP~~.

23 (b) Commencing with the 2013–14 school year, the ~~MAPP~~
24 ~~CAASPP~~ shall be composed of all of the following:

25 (1) (A) A consortium summative assessment in English
26 language arts and mathematics for grades 3 to 8, inclusive, and
27 grade 11 that measures content standards adopted by the state
28 board.

29 (B) In the 2013–14 school year, the consortium summative
30 assessment in English language arts and mathematics shall be a
31 field test only, to enable the consortium to gauge the validity and
32 reliability of these assessments and to conduct all necessary
33 psychometric procedures and studies, including, but not necessarily
34 limited to, achievement standard setting, and to allow the
35 department to conduct studies regarding full implementation of
36 the assessment system. These field tests and results shall not be
37 used for any other purpose, including the calculation of any
38 accountability measure.

39 (2) (A) Science grade level assessments in grades 5, 8, and 10
40 that measure content standards pursuant to Section 60605, until a

1 successor assessment is implemented pursuant to subparagraph
2 (B).

3 (B) For science assessments, the Superintendent shall make a
4 recommendation to the state board as soon as is feasible after the
5 adoption of science content standards pursuant to Section 60605.85
6 regarding the assessment of the newly adopted standards. Before
7 making recommendations, the Superintendent shall consult with
8 stakeholders, including, but not necessarily limited to, California
9 science teachers, individuals with expertise in assessing English
10 learners and pupils with disabilities, parents, and measurement
11 experts, regarding the grade level and type of assessment. The
12 recommendations shall include cost estimates and a plan for
13 implementation of at least one assessment in each of the following
14 grade spans:

15 (i) Grades 3 to 5, inclusive.

16 (ii) Grades 6 to 9, inclusive.

17 (iii) Grades 10 to 12, inclusive.

18 (3) The California Alternate Performance Assessment in grades
19 2 to 11, inclusive, in English language arts and mathematics and
20 science in grades 5, 8, and 10, which measures content standards
21 adopted pursuant to Section 60605 until a successor assessment
22 is implemented. The successor assessment shall be limited to the
23 grades and subject areas assessed pursuant to paragraph (1) and
24 subparagraph (B) of paragraph (2).

25 (4) The Early Assessment Program established by Chapter 6
26 (commencing with Section 99300) of Part 65 of Division 14 of
27 Title 3.

28 (5) (A) The department shall make available to local educational
29 agencies a primary language assessment aligned to the English
30 language arts standards adopted pursuant to Section 60605, as it
31 read on January 1, 2013, for assessing pupils who are enrolled in
32 a dual language immersion program that includes the primary
33 language of the assessment and who are either nonlimited English
34 proficient or redesignated fluent English proficient. The cost for
35 the assessment shall be the same for all local educational agencies,
36 and shall not exceed the marginal cost of the assessment, including
37 any cost the department incurs to implement this section.

38 (B) A local educational agency may administer a primary
39 language assessment aligned to the English language arts standards
40 adopted pursuant to Section 60605, as it read on January 1, 2013,

1 at its own expense, and shall enter into an agreement for that
2 purpose with the testing contractor. If the local educational agency
3 chooses to administer a primary language assessment pursuant to
4 this paragraph, the department shall reimburse the local educational
5 agency for its costs, including a per pupil apportionment to
6 administer the assessment pursuant to subdivision (I). The
7 department shall determine the procedures for reimbursement.

8 (C) The Superintendent shall consult with stakeholders,
9 including assessment and English learner experts, to determine
10 the content and purpose of a stand-alone language arts summative
11 assessment in primary languages other than English that aligns
12 with the English-language arts content standards. The
13 Superintendent shall consider the appropriate purpose for this
14 assessment, including, but not necessarily limited to, support for
15 the State Seal of Biliteracy and accountability. It is the intent of
16 the Legislature that an assessment developed pursuant to this
17 section be included in the state accountability system.

18 (D) The Superintendent shall report and make recommendations
19 to the state board at a regularly scheduled public meeting no sooner
20 than one year after the first full administration of the consortium
21 computer-adaptive assessments in English language arts and
22 mathematics summative assessments in grades 3 to 8, inclusive,
23 and grade 11, regarding an implementation timeline and estimated
24 costs of a stand-alone language arts summative assessment in
25 primary languages other than English.

26 (E) The Superintendent shall develop, and the state board shall
27 adopt, a primary language assessment. The Superintendent shall
28 administer this assessment no later than the 2016–17 school year.

29 (F) This paragraph shall be operative only to the extent that
30 funding is provided in the annual Budget Act or another statute
31 for the purpose of this section.

32 (c) No later than ~~March, 2~~ *March 1*, 2016, the Superintendent
33 shall submit to the state board recommendations on expanding the
34 ~~MAPP~~ *CAASPP* to include additional assessments, for
35 consideration at a regularly scheduled public meeting. The
36 Superintendent shall also submit these recommendations to the
37 appropriate policy and fiscal committees of the Legislature and to
38 the Director of Finance in accordance with all of the following:

39 (1) In consultation with stakeholders, including, but not
40 necessarily limited to, California teachers, individuals with

1 expertise in assessing English learners and pupils with disabilities,
2 parents, and measurement experts, the Superintendent shall make
3 recommendations regarding assessments including the grade level,
4 content, and type of assessment. These recommendations shall
5 take into consideration the assessments already administered or
6 planned pursuant to subdivision (b). The Superintendent shall
7 consider the use of consortium-developed assessments, various
8 item types, computer-based testing, and a timeline for
9 implementation.

10 (2) The recommendations shall consider assessments in subjects,
11 including, but not necessarily limited to, history-social science,
12 technology, visual and performing arts, and other subjects as
13 appropriate, as well as English language arts, mathematics, and
14 science assessments to augment the assessments required under
15 subdivision (b), and the use of various assessment options,
16 including, but not necessarily limited to, computer-based tests,
17 locally scored performance tasks, and portfolios.

18 (3) The recommendations shall include the use of an assessment
19 calendar that would schedule the assessments identified pursuant
20 to paragraph (2) over several years, the use of matrix sampling, if
21 appropriate, and the use of population sampling.

22 (4) The recommendations shall include a timeline for test
23 development, and shall include cost estimates for subject areas, as
24 appropriate.

25 (5) Upon approval by the state board and the appropriation of
26 funding for this purpose, the Superintendent shall develop and
27 administer approved assessments. The state board shall approve
28 test blueprints, achievement level descriptors, testing periods,
29 performance standards, and a reporting plan for each approved
30 assessment.

31 (d) For the 2013–14 and 2014–15 school years, the department
32 shall make available to local educational agencies Standardized
33 Testing and Reporting Program test forms no longer required by
34 the ~~MAPP~~: *CAASPP*. The cost of implementing this subdivision,
35 including, but not necessarily limited to, shipping, printing, scoring,
36 and reporting per pupil shall be the same for all local educational
37 agencies, and shall not exceed the marginal cost of the assessment,
38 including any cost the department incurs to implement this section.
39 A local educational agency that chooses to administer an
40 assessment pursuant to this section shall do so at its own expense,

1 and shall enter into an agreement for that purpose with a contractor,
2 subject to the approval of the department.

3 (e) The Superintendent shall make available a paper and pencil
4 version of any computer-based ~~MAPP~~ *CAASPP* assessment for
5 use by pupils who are unable to access the computer-based version
6 of the assessment for a maximum of three years after a new
7 operational test is first administered.

8 (f) (1) From the funds available for that purpose, each local
9 educational agency shall administer assessments to each of its
10 pupils pursuant to subdivision (b). As allowable by federal statute,
11 recently arrived English learner pupils are exempted from taking
12 the assessment in English language arts. The state board shall
13 establish a testing period to provide that all schools administer
14 these tests to pupils at approximately the same time during the
15 instructional year. The testing period established by the state board
16 shall take into consideration the need of local educational agencies
17 to provide makeup days for pupils who were absent during testing,
18 as well as the need to schedule testing on electronic computing
19 devices.

20 (2) For the 2013–14 school year, each local educational agency
21 shall administer the field tests in a manner described by the
22 department in consultation with the president or executive director
23 of the state board. Additional participants in the field test beyond
24 the representative sample may be approved by the department, and
25 the department shall use existing contract savings to fund district
26 participation in one or more tests per participant. Funds for this
27 purpose shall be utilized to allow for maximum participation in
28 the field test across the state. To the extent savings in the current
29 contract are not available to fully fund this participation, the
30 department shall prorate available funds by test. Local educational
31 agencies shall bear any additional costs to administer these
32 assessments that are in excess of the contracted amount. With
33 approval of the state board and the Director of Finance, the
34 department shall amend the existing assessment contract to
35 accommodate field testing beyond the representative sample, and
36 to allow for special studies using information collected from the
37 field tests.

38 (g) From the funds available for that purpose, each local
39 educational agency shall administer assessments as determined by
40 the state board pursuant to paragraph (5) of subdivision (c).

1 (h) As feasible, the ~~MAPP~~ CAASPP field tests shall be
2 conducted in a manner that will minimize the testing burden on
3 individual schools. The ~~MAPP~~ CAASPP field tests shall not
4 produce individual pupil scores unless it is determined that these
5 scores are valid and reliable.

6 (i) The governing board of a school district may administer
7 achievement tests in grades other than those required by this section
8 as it deems appropriate.

9 (j) The governing board of a school district may administer a
10 primary language assessment aligned to the English language arts
11 standards adopted pursuant to Section 60605 to a pupil identified
12 as limited English proficient enrolled in any of grades 2 to 11,
13 inclusive, who either receives instruction in his or her primary
14 language or has been enrolled in a school in the United States for
15 less than 12 months until a subsequent primary language
16 assessment aligned to the common core standards in English
17 language arts adopted pursuant to Section 60605.8 is developed
18 pursuant to paragraph (5) of subdivision (b). If the governing board
19 of a school district chooses to administer this assessment, it shall
20 notify the department in a manner determined by the department.

21 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
22 States Code, individuals with exceptional needs, as defined in
23 Section 56026, shall be included in the testing requirement of
24 subdivision (b) with appropriate accommodations in administration,
25 where necessary, and those individuals with exceptional needs
26 who are unable to participate in the testing, even with
27 accommodations, shall be given an alternate assessment.

28 (l) (1) The Superintendent shall apportion funds appropriated
29 for these purposes to local educational agencies to enable them to
30 meet the requirements of subdivisions (b) and (c).

31 (A) For the ~~MAPP~~ CAASPP field tests administered in the
32 2013–14 school year or later school years, the Superintendent shall
33 apportion funds to local educational agencies if funds are
34 specifically provided for this purpose in the annual Budget Act.

35 (B) The Superintendent shall apportion funds to local
36 educational agencies to enable them to administer assessments
37 used to satisfy the voluntary Early Assessment Program in the
38 2013–14 school year pursuant to paragraph (4) of subdivision (b).

39 (2) The state board annually shall establish the amount of
40 funding to be apportioned to local educational agencies for each

1 test administered and annually shall establish the amount that each
2 contractor shall be paid for each test administered under the
3 contracts required pursuant to Section 60643. The amounts to be
4 paid to the contractors shall be determined by considering the cost
5 estimates submitted by each contractor each September and the
6 amount included in the annual Budget Act, and by making
7 allowance for the estimated costs to school districts for compliance
8 with the requirements of subdivisions (b) and (c). The state board
9 shall take into account changes to local educational agency test
10 administration activities under the ~~MAPP~~, *CAASPP*, including,
11 but not limited to, the number, type of tests administered, and
12 changes in computerized test registration and administration
13 procedures, when establishing the amount of funding to be
14 apportioned to local educational agencies for each test
15 administered.

16 (3) An adjustment to the amount of funding to be apportioned
17 per test shall not be valid without the approval of the Director of
18 Finance. A request for approval of an adjustment to the amount
19 of funding to be apportioned per test shall be submitted in writing
20 to the Director of Finance and the chairpersons of the fiscal
21 committees of both houses of the Legislature with accompanying
22 material justifying the proposed adjustment. The Director of
23 Finance is authorized to approve only those adjustments related
24 to activities required by statute. The Director of Finance shall
25 approve or disapprove the amount within 30 days of receipt of the
26 request and shall notify the chairpersons of the fiscal committees
27 of both houses of the Legislature of the decision.

28 (m) For purposes of making the computations required by
29 Section 8 of Article XVI of the California Constitution, the
30 appropriation for the apportionments made pursuant to paragraph
31 (1) of subdivision (I), and the payments made to the contractors
32 under the contracts required pursuant to Section 60643 or
33 subparagraph (C) of paragraph (1) of subdivision (a) of Section
34 60605 between the department and the contractor, are "General
35 Fund revenues appropriated for school districts," as defined in
36 subdivision (c) of Section 41202, for the applicable fiscal year,
37 and included within the "total allocations to school districts and
38 community college districts from General Fund proceeds of taxes
39 appropriated pursuant to Article XIII B," as defined in subdivision
40 (e) of Section 41202, for that fiscal year.

1 (n) As a condition to receiving an apportionment pursuant to
2 subdivision (I), a local educational agency shall report to the
3 Superintendent all of the following:

4 (1) The pupils enrolled in the local educational agency in the
5 grades in which assessments were administered pursuant to
6 subdivisions (b) and (c).

7 (2) The pupils to whom an achievement test was administered
8 pursuant to subdivisions (b) and (c) in the local educational agency.

9 (3) The pupils in paragraph (1) who were exempted from the
10 test pursuant to this section.

11 (o) The Superintendent and the state board are authorized and
12 encouraged to assist postsecondary educational institutions to use
13 the assessment results of the ~~MAPP~~, *CAASPP*, including, but not
14 necessarily limited to, the grade 11 consortium summative
15 assessments in English language arts and mathematics, for
16 academic credit, placement, or admissions processes.

17 (p) Subject to the availability of funds in the annual Budget Act
18 for this purpose, and exclusive of the consortium assessments, the
19 Superintendent, with the approval of the state board, annually shall
20 release to the public test items from the achievement tests pursuant
21 to Section 60642.5 administered in previous years. Where feasible
22 and practicable, the minimum number of test items released per
23 year shall be equal to 25 percent of the total number of test items
24 on the test administered in the previous year.

25 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
26 of Title 5 of the California Code of Regulations shall be revised
27 by the state board to conform to the changes made to this section
28 in the first year of the 2013–14 Regular Session. The state board
29 shall adopt initial regulations as emergency regulations to
30 immediately implement the ~~MAPP~~ *CAASPP* assessments,
31 including, but not necessarily limited to, the administration,
32 scoring, and reporting of the tests, as the adoption of emergency
33 regulations is necessary for the immediate preservation of the
34 public peace, health, safety, or general welfare within the meaning
35 of Section 11346.1 of the Government Code. The emergency
36 regulations shall be followed by the adoption of permanent
37 regulations, in accordance with the Administrative Procedure Act
38 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code).

1 *SEC. 8. Section 60641 of the Education Code is amended to*
2 *read:*

3 60641. (a) The department shall ensure that local educational
4 agencies comply with each of the following requirements:

5 (1) The achievement tests provided for in Section 60640 are
6 scheduled to be administered to all pupils, inclusive of pupils
7 enrolled in charter schools and exclusive of pupils exempted
8 pursuant to Section 60640, during the period prescribed in
9 subdivision (b) of Section 60640.

10 (2) For assessments that produce valid individual pupil results,
11 the individual results of each pupil tested pursuant to Section 60640
12 shall be reported, in writing, to the parent or guardian of the pupil.
13 The report shall include a clear explanation of the purpose of the
14 test, the score of the pupil, and the intended use by the local
15 educational agency of the test score. This subdivision does not
16 require teachers or other local educational agency personnel to
17 prepare individualized explanations of the test score of each pupil.
18 It is the intent of the Legislature that nothing in this section shall
19 preclude a school or school district from meeting the reporting
20 requirement by the use of electronic media formats that secure the
21 confidentiality of the pupil and the pupil's results. State agencies
22 or local educational agencies shall not use a comparison resulting
23 from the scores and results of the ~~Measurement of Academic~~
24 ~~Performance and Progress (MAPP)~~ *California Assessment of*
25 ~~Student Performance and Progress (CAASPP)~~ assessments and
26 the assessment scores and results from assessments that measured
27 previously adopted content standards.

28 (3) (A) For assessments that produce valid individual pupil
29 results, the individual results of each pupil tested pursuant to
30 Section 60640 also shall be reported to the school and teachers of
31 a pupil. The local educational agency shall include the test results
32 of a pupil in his or her pupil records. However, except as provided
33 in this section and Section 60607, personally identifiable pupil test
34 results only may be released with the permission of either the
35 pupil's parent or guardian if the pupil is a minor, or the pupil if
36 the pupil has reached the age of majority or is emancipated.

37 (B) Notwithstanding subparagraph (A) and pursuant to
38 subdivision (c) of Section 60607, a pupil or his or her parent or
39 guardian may authorize the release of individual pupil results to a
40 postsecondary educational institution for the purpose of credit,

1 placement, determination of readiness for college-level coursework,
2 or admission.

3 (4) The districtwide, school-level, and grade-level results of the
4 MAPP CAASPP in each of the grades designated pursuant to
5 Section 60640, but not the score or relative position of any
6 individually ascertainable pupil, shall be reported to the governing
7 board of the school district at a regularly scheduled meeting, and
8 the countywide, school-level, and grade-level results for classes
9 and programs under the jurisdiction of the county office of
10 education shall be similarly reported to the county board of
11 education at a regularly scheduled meeting.

12 (b) The state board shall adopt regulations that outline a calendar
13 for delivery and receipt of summative assessment results at the
14 pupil, school, grade, district, county, and state levels. The calendar
15 shall include delivery dates to the department and to local
16 educational agencies. The calendar for delivery shall provide for
17 the timely return of assessment results, and consider the amount
18 of paper-and-pencil administered assessments and number of items
19 requiring hand scoring. The calendar shall also ensure that
20 individual assessment results are reported to local educational
21 agencies within eight weeks of receipt by the contractor for scoring.

22 (c) Aggregated, disaggregated, or group scores or reports that
23 include the results of the MAPP CAASPP assessments, inclusive
24 of the reports developed pursuant to Section 60630, shall not be
25 publicly reported to any party other than the school or local
26 educational agency where the pupils were tested, if the aggregated,
27 disaggregated, or group scores or reports are comprised of 10 or
28 fewer individual pupil assessment results. Exclusive of the reports
29 developed pursuant to Section 60630, in no case shall any group
30 score or report be displayed that would deliberately or inadvertently
31 make the score or performance of any individual pupil or teacher
32 identifiable.

33 ~~(d) For those entities described in clauses (i) and (iii) of~~
34 ~~subparagraph (B) of paragraph (3) of subdivision (c) of Section~~
35 ~~49079.6, the MAPP scores and results shall be released pursuant~~
36 ~~to the process outlined in paragraph (3) of subdivision (c) of~~
37 ~~Section 49079.6.~~

38 (e)

39 (d) The department shall ensure that pupils in grade 11, or
40 parents or legal guardians of those pupils, may request results from

1 grade 11 assessments administered as part of the ~~MAPP CAASPP~~
2 for the purpose of determining credit, placement, or readiness for
3 college-level coursework be released to a postsecondary
4 educational institution.

5 *SEC. 9. Section 60643 of the Education Code is amended to*
6 *read:*

7 60643. (a) Notwithstanding any other law, the contractor or
8 contractors of the achievement tests provided for in Section 60640
9 shall comply with all of the conditions and requirements of the
10 contract to the satisfaction of the Superintendent and the state
11 board.

12 (b) (1) The department shall develop, and the Superintendent
13 and the state board shall approve, a contract or contracts to be
14 entered into with a contractor in connection with the test provided
15 for in Section 60640. The department may develop the contract
16 through negotiations. In approving a contract amendment to the
17 contract authorized pursuant to this section, the department, in
18 consultation with the state board, may make material amendments
19 to the contract that do not increase the contract cost. Contract
20 amendments that increase contract costs may only be made with
21 the approval of the department, the state board, and the Department
22 of Finance.

23 (2) For purposes of the contracts authorized pursuant to this
24 subdivision, the department is exempt from the requirements of
25 Part 2 (commencing with Section 10100) of Division 2 of the
26 Public Contract Code and from the requirements of Article 6
27 (commencing with Section 999) of Chapter 6 of Division 4 of the
28 Military and Veterans Code. The department shall use a
29 competitive and open process utilizing standardized scoring criteria
30 through which to select a potential administration contractor or
31 contractors for recommendation to the state board for consideration.
32 The state board shall consider each of the following criteria:

33 (A) The ability of the contractor to produce valid and reliable
34 scores.

35 (B) The ability of the contractor to report accurate results in a
36 timely fashion.

37 (C) Exclusive of the consortium assessments, the ability of the
38 contractor to ensure technical adequacy of the tests, inclusive of
39 the alignment between the ~~Measurement of Academic Performance~~
40 ~~and Progress~~ ~~(MAPP)~~ *California Assessment of Student*

1 *Performance and Progress* tests and the state-adopted content
2 standards.

3 (D) The cost of the assessment system.

4 (E) The ability and proposed procedures to ensure the security
5 and integrity of the assessment system.

6 (F) The experience of the contractor in successfully conducting
7 statewide testing programs in other states.

8 (3) The contracts shall include provisions for progress payments
9 to the contractor for work performed or costs incurred in the
10 performance of the contract. Not less than 10 percent of the amount
11 budgeted for each separate and distinct component task provided
12 for in each contract shall be withheld pending final completion of
13 all component tasks by that contractor. The total amount withheld
14 pending final completion shall not exceed 10 percent of the total
15 contract price for that fiscal year.

16 (4) The contracts shall require liquidated damages to be paid
17 by the contractor in the amount of up to 10 percent of the total cost
18 of the contract for any component task that the contractor through
19 its own fault or that of its subcontractors fails to substantially
20 perform by the date specified in the agreement.

21 (5) The contracts shall establish the process and criteria by
22 which the successful completion of each component task shall be
23 recommended by the department and approved by the state board.

24 (6) The contractors shall submit, as part of the contract
25 negotiation process, a proposed budget and invoice schedule, that
26 includes a detailed listing of the costs for each component task
27 and the expected date of the invoice for each completed component
28 task.

29 (7) The contract or contracts subject to approval by the
30 Superintendent and the state board under paragraph (1) and exempt
31 under paragraph (2) shall specify the following component tasks,
32 as applicable, that are separate and distinct:

33 (A) Development of new tests or test items.

34 (B) Test materials production or publication.

35 (C) Delivery or electronic distribution of test materials to local
36 educational agencies.

37 (D) Test processing, scoring, and analyses.

38 (E) Reporting of test results to the local educational agencies,
39 including, but not necessarily limited to, all reports specified in
40 this section.

1 (F) Reporting of valid and reliable test results to the department,
2 including, but not necessarily limited to, the following electronic
3 files:

4 (i) Scores aggregated statewide, and by county, school district,
5 school, and grade.

6 (ii) Disaggregated scores based on English proficiency status,
7 gender, ethnicity, socioeconomic disadvantage, foster care status,
8 and special education designation.

9 (G) All other analyses or reports required by the Superintendent
10 to meet the requirements of state and federal law and set forth in
11 the agreement.

12 (H) Technology services to support the activities listed in
13 subparagraphs (A) to (G), inclusive.

14 (I) Perform regular performance checks and load simulations
15 to ensure the integrity and robustness of the technology system
16 used to support the activities listed in subparagraphs (A) to (G),
17 inclusive.

18 *SEC. 10. Section 60643.6 of the Education Code is amended*
19 *to read:*

20 60643.6. A local educational agency shall be reimbursed by
21 the contractor selected pursuant to this article for any unexpected
22 expenses incurred due to scheduling changes that resulted from
23 the late delivery of testing materials in connection with the
24 ~~Measurement of Academic~~ *California Assessment of Student*
25 *Performance and Progress.*

26 *SEC. 11. Section 60648 of the Education Code is amended to*
27 *read:*

28 60648. Exclusive of consortium summative assessments, the
29 Superintendent shall recommend, and the state board shall adopt,
30 performance standards on the ~~Measurement of Academic~~
31 *California Assessment of Student* Performance and Progress
32 summative tests administered pursuant to this article. The
33 performance levels shall identify and establish the minimum
34 performance required for meeting a particular achievement level
35 expectation. Once adopted, these standards shall be reviewed by
36 the state board every five years to determine whether adjustments
37 are necessary.